



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2807 of 2022

Prakash

.. Petitioner

Vs.

The State represented by its  
The Sub Inspector of Police,  
Kadaladi Police Station,  
Tiruvannamalai District.  
(Crime No.708 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.708 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mrs.G.V.Kasthuri,  
Additional Public Prosecutor

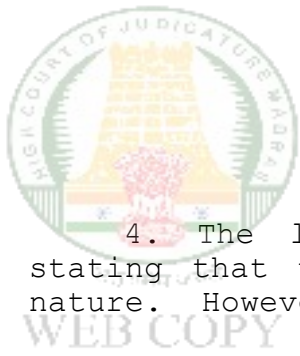
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### O R D E R

The petitioner who is arrested and remanded to judicial custody on 22.12.2021 for the offences under Sections 294(b), 392 of IPC in Crime No.708 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 22.12.2021 at about 10.00 am, when the defacto complainant was standing in bus stand at Singaravadi Village in Polur to Chengam Road, while so the petitioner came thereon and robbed cash Rs.500/- from the defacto complainant by showing knife. Hence, he lodged a complaint dated 22.12.2021 to the respondent police. Hence this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in Judicial Custody from 22.12.2021. It is seen that the petitioner is the only breadwinner of his family. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor raised objection stating that the petitioner is having one previous case in similar nature. However, he conceded that investigation is almost completed.

5. Submissions made by the learned counsel on either side were considered.

6. Considering all these facts, though the petitioner is having one previous case being the reason that the portion of the stolen property was recovered during the time of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif Court cum Judicial Magistrate, Kalasapakkam, Tiruvannamalai District, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/02/2022

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF COURT CUM JUDICIAL MAGISTRATE,  
KALASAPAKKAM, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,  
TIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE SUB INSPECTOR OF POLICE,  
KADALADI POLICE STATION,  
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

+1 CC to M/S.ESATHIYARAJ Advocate on payment of necessary  
charges SR.NO.2051

CRL OP.2807/2022

Date :07/02/2022

INBA~08/02/2022